

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST
LITIGATION

No. M 07-1827 SI
MDL. No. 1827

This Order Relates to:

**ORDER SUGGESTING REMAND TO
TRANSFEROR COURTS**

*The AASI Creditor Liquidating Trust, by and
through Kenneth A. Welt, Liquidating Trustee v.
AU Optronics, et al.*, Case No. 3:11-cv-5781 SI

*CompuCom Systems, Inc. v. AU Optronics Corp.,
et al.*, Case No. 3:11-cv-6241 SI

*Interbond Corp. of America v. AU Optronics
Corp., et al.*, Case No. 3:11-cv-3763 SI

*MetroPCS Wireless, Inc. v. AU Optronics Corp.,
et al.*, Case No. 3:11-cv-829 SI

Office Depot, Inc. v. AU Optronics Corp., et al.,
Case No. 3:11-cv-2225 SI

*Tech Data Corp., et al. v. AU Optronics Corp., et
al.*, Case No. 3:11-cv-5765 SI

*Tracfone Wireless, Inc. v. AU Optronics Corp., et
al.*, Case No. 3:10-cv-3205 SI

The Judicial Panel on Multidistrict Litigation (JPML) transferred to this Court for coordinated pretrial proceedings numerous antitrust actions relating to an alleged conspiracy to fix the prices for thin film transistor-liquid crystal display (TFT-LCD) panels, which are used in computer monitors, flat panel

1 television sets, and other electronic devices. The above-captioned actions were among the cases
2 transferred to this Court pursuant to the JPML's April 20, 2007 transfer order and this Court's July 3,
3 2007 related case pretrial order #1.

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5 Title 28 U.S.C. § 1407(a), pursuant to which these cases were transferred here, provides in
6 relevant part:

7 When civil actions involving one or more common questions of fact are pending
8 in different districts, such actions may be transferred to any district for
9 coordinated or consolidated pretrial proceedings. Such transfers shall be made by
10 the judicial panel on multidistrict litigation ... upon its determination that transfers
11 for such proceedings will be for the convenience of parties and witnesses and will
12 promote the just and efficient conduct of such actions. *Each action so transferred*
13 *shall be remanded by the panel at or before the conclusion of such pretrial*
14 *proceedings to the district from which it was transferred unless it shall have been*
15 *previously terminated.*

16 (emphasis added). Once "coordinated or consolidated pretrial proceedings" have been completed in the
17 transferee court, the transferred cases must be remanded to their original courts (whether for trial or
18 otherwise). *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 28 (1998). The
19 authority to do so, however, rests entirely with the JPML; this Court lacks the power to remand an action
20 transferred to it under Section 1407. *See id.* (noting § 1407(a) "imposes a duty on the Panel to remand
21 any such action to the original district 'at or before the conclusion of such pretrial proceedings'"). The
22 transferee judge may recommend remand of an action to the transferor court by filing a suggestion of
23 remand with the Panel. *See* Panel Rule 10.1(b)(i).

24 The Court concludes that the purposes behind consolidating these related actions in this Court
25 have now been served. The Court has addressed numerous discovery disputes, dispositive motions, and
26 other pretrial issues involving facts and legal questions common to the various cases in this MDL
27 proceeding. No further pretrial motions raising common questions are pending in these cases, and
28 remand to the transferor courts appears to be in the interest of judicial efficiency.

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1 Accordingly, pursuant to Rule 10.1(b)(I) of the Rules of the Judicial Panel on Multidistrict
2 Litigation, the Court SUGGESTS that the Panel REMAND the following cases to their transferor courts:

3 *The AASI Creditor Liquidating Trust, by and through Kenneth A. Welt, Liquidating Trustee v.*

4 *AU Optronics, et al.*, Case No. 3:11-cv-5781 SI

5 *CompuCom Systems, Inc. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-6241 SI

6 *Interbond Corp. of America v. AU Optronics Corp., et al.*, Case No. 3:11-cv-3763 SI

7 *MetroPCS Wireless, Inc. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-829 SI

8 *Office Depot, Inc. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-2225 SI

9 *Tech Data Corp., et al. v. AU Optronics Corp., et al.*, Case No. 3:11-cv-5765 SI

10 *Tracfone Wireless, Inc. v. AU Optronics Corp., et al.*, Case No. 3:10-cv-3205 SI.

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12 **IT IS SO ORDERED.**

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14 Dated: February 24, 2015



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SUSAN ILLSTON
United States District Judge